

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

RUTH RODRIGUEZ CAINS, ET AL.,

Plaintiffs,

v.

KARL AMALIA & SONS, INC.,  
INTEGRAND ASSURANCE COMPANY,

Defendants.

CIVIL NO. 04-1399 (FAB)

**REPORT AND RECOMMENDATION**

The Court referred to this Magistrate Judge plaintiff's Von Marie Vidal Ryan's *pro-se* motion as legal guardian and on behalf of her minor daughter Kaovy Marie Vidal Ryan to withdraw funds. (Docket No. 54).

On July 6, 2007, an Order was issued in which this Magistrate Judge recommended to the Court the expedited disbursement of the funds necessary for the private education of minor Kaovy Marie Vidal Ryan. However, plaintiff was ordered to provide additional information in regard to the request of homestead to be paid from the minor daughter's funds. (Docket No. 58).

On September 4, 2007, Von Marie Vidal Ryan's filed a *pro se* motion in the Spanish language in compliance with the Court's Order reiterating the need for homestead and including copy of the deed. (Docket No. 59).

At this juncture, it is recommended to the Court to allow expedite delivery of funds necessary for the private education of the minor Kaovy Marie Vidal Ryan in the amount of \$3,480.00. See Docket No. 59, attachment #2. These funds are presently deposited in an interest bearing account as to which no penalty for early withdrawal applies. Thus, it is recommended the court to approve disbursement of \$3,480.00.

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In regard to the reiterated request for homestead, **a hearing will be held on October 26, 2007 at 1:30 PM** to verify the “family circumstances” which might support a finding that the use of the child's funds by the custodian for homestead are for the “benefit” of the minor, as well as if other factors and circumstances are present which may support a finding to the contrary. **Before this hearing, Von Marie Vidal Ryan is urged to obtain guidance from attorney Jorge M. Izquierdo San Miguel, her former counsel in this case, who may be willing to assist her with her claim.**

The Clerk’s Office is to notify a copy of this Order to *pro-se* petitioner Von Marie Vidal Ryan at Condominio Primavera, Carr. 2 KM 15.4, Buzón 129, Hato Tejas, Bayamón, Puerto Rico 00961.

IT IS SO RECOMMENDED.

The parties have ten (10) days to file any objections to this report and recommendation. Failure to file same within the specified time waives the right to appeal this order. Henley Drilling Co. v. McGee, 36 F.3d 143, 150-151 (1<sup>st</sup> Cir. 1994); United States v. Valencia, 792 F.2d 4 (1<sup>st</sup> Cir. 1986). See Paterson-Leitch Co. v. Mass. Mun. Wholesale Elec. Co., 840 F.2d 985, 991 (1<sup>st</sup> Cir. 1988) (“Systemic efficiencies would be frustrated and the magistrate’s role reduced to that a mere dress rehearsal if a party were allowed to feint and weave at the initial hearing, and save its knockout punch for the second round”).

In San Juan, Puerto Rico, this 5<sup>th</sup> day of September of 2007.

**s/CAMILLE L. VELEZ-RIVE  
CAMILLE L. VELEZ-RIVE  
UNITED STATES MAGISTRATE JUDGE**